

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FRANK AND DEBORAH MCDOWELL,

No. C 11-02569 CRB

Plaintiff,

**ORDER DENYING PLAINTIFFS'  
REQUEST TO DISMISS THE STATE  
OF CALIFORNIA**

v.

THE STATE OF CALIFORNIA,

Defendant.

The Court is in receipt of a filing from *pro se* plaintiffs Frank and Deborah McDowell entitled “‘Dismiss’ the State of California Do [sic] to Lack of Prosecution.” See dkt. 23. The filing initially states. “Plaintiff’s [sic] dismiss the state of California due to a lack of prosecution and furtherance of justice.” Id. at 1. It then goes on to state “I’m asking the State Bar to sanction the appeal’s [sic] court because they had no jurisdiction when Plaintiff’s [sic] first mention [sic] the R.I.C.O.” Id. at 2. It is unclear to the Court what Plaintiff is asking the Court to do, although the Court notes that (1) lack of prosecution pursuant to Federal Rule of Civil Procedure 41 generally applies to plaintiffs, and (2) Plaintiffs’ dealings with the State Bar do not currently appear to be relevant to this case. Accordingly, to the extent Plaintiffs are asking the Court to do something, that request

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1 is DENIED. If the Court has misapprehended Plaintiffs' filing, Plaintiffs may renew their  
2 request at the hearing on Defendant's Motion to Dismiss on August 26, 2011.

3 **IT IS SO ORDERED.**

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5 Dated: August 1, 2011



CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE